



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**LEONARD TACHNER, A PROFESSIONAL LAW
CORPORATION
17961 SKY PARK CIRCLE, SUITE 38-E
IRVINE CA 92614**

COPY MAILED

FEB 07 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hope, John :
Application No. 10/659,636 :
Filed: September 8, 2003 :
Attorney Docket No. HOPE-2 :

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 25, 2006, to revive the above-identified application. The Office regrets the delay in acting on the instant petition.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition¹ under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.²

The instant petition still lacks item (2). The petition fee has still not been submitted with the instant petition. \$750.00 was charged to Deposit Account No. 19-2814 on January 26, 2006, but was later voided out of the USPTO finance system, as that deposit account is associated with the law firm Snell & Wilmer, L.L.P. Authorization to charge the petition fee to that deposit account

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

² See MPEP 711.03(c)(III)(C) and (D).

is not found in the instant petition. Accordingly, petitioner must submit the petition fee to revive in the instant application.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Window located at:
 U.S. Patent and Trademark Office
 Customer Service Window Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions